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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

YIP, WINNIE S

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/799,721

Applicant(s)

ROCHMAN, ODED E.

Examiner

Winnie Yip

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>March 15, 2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is a first office action for application Serial No. 10/799,721 which is a continuation of co-pending application Serial No. 10/011,740 filed November 12, 2001, now patent No. 6,718,700).

Claims 1-9 have been canceled and claims 10-22 are pending in the application.

Title Objection

1. The title of the invention "Skid plate and door assembly including same" is not descriptive because the phrase "including same" has no meaning. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: "Skid plate and pre-hung door assembly".

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 10-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Regarding claim 10, the phrases "a first portion shaped like" (line 6) and "a second portion shaped like" (line 7) render the claims indefinite because it is not clear what does means by "shaped like". For example, it is not clear whether it means the skid plate having first/second portions having a shape with/without a size as same as the first/second sections of the bottom of the door assembly. Thereby the phrases render the scope of the claims unascertainable. See MPEP § 2173.05(d).

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Regard to claim 14, "a second tab" is confusing whether it is one of the "at least one tab" as previously defined in claim 10. If so, they must defined consistently.

Regard to claim 15, "said first tab" lacks a proper antecedent basis because there is only "at least one tab" has been previous claimed in claim 10.

Regard to claim 21, the term "high density" is confusing of what is the stand of "high" means that applicant is referring to. It causes the claims unascertainable.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 10-16, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Larivee, Jr. (US Patent No.5,542,217).

Larivee, jr. shows and discloses a pre-hung door assembly (20) inherently comprising a header (23), a pair of jambs (22) at first and second sides, at least one trim member (25), a door moveably mounted between the door jambs and the trim member, a bottom including a threshold or a sill plate (21) having a first vertical section having a first shape and a second horizontal section having a second shape projecting from the first section, the bottom also including the trim bottom end and the jambs having a jamb bottom, a skid plate (10) formed by a unitary sheet of flexible material such as plastic (see col. 3, lines 27-29) and being placed

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underneath the bottom of the pre-hung door assembly, wherein said skid plate (10) inherently has a length and a width, said skid plate (10) includes a first vertical portion (14 to 14') having a shape overlaying the first vertical section, and a second planar portions (11) having a shape overlying the underside of the second horizontal section (21) which overlays the bottom surface of the sill plate (21) and bottom crosscut ends of the door jambs, and the second planar portion (11) has first and second of tabs (13) folded and extended upwardly from the second planar portion (11) at first and second fold lines to overlay a portion of the jambs/trim members (22) at the first and second sides of the assembly respectively, said first and second tabs overlays and secured to the first and second sides of the door jambs/trim members respectively by suitable fasteners (see col. 4, line12), and said tab has a length less than the width of the skid plate.

7. Claims 10-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Lohr (US Patent No. 6,219,979).

Lohr show and disclose a pre-hung door assembly comprising door jambs (20) at first and second sides, a trim member (26) connected to each of the door jams (20), a bottom, conventionally, having a wooden threshold and a sill plate inherently having a first vertical section and a second horizontal section, a skid plate (10) formed by an unitary sheet of plastic, said skid plate (10) having first vertical portion (12) having a shape placed overlaying the vertical section of the bottom, the second horizontal planar portion (24) having first and second regions on opposite sides to aligned with the ends of the trim members (26), and first and second tabs (14) extending normally from the planar portion to overlay a portion of the jambs and trim

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members at the first and second sides of the assembly, and the tabs are secured to the sides by fasteners (22) extending through the holes (18) formed on the tabs into the sides.

Regard to claim 17, the skid plate is considered to have a pair of slits formed between the second planar section (24) and the tab (14) and being connected together by welding (16).

8. Claims 1-18 as better understood, are rejected under 35 U.S.C. 102(e) as being anticipated by Baczuk et al. (US Patent No.6,371,188).

Baczuk et al. show and disclose door assembly comprising: a threshold assembly inherently having an underside, a first side, a second side, said threshold assembly comprising a sill plate (32) have an underside, first and second door jambs (24, 26) connected to opposite sides of the sill plate, said first and second door jambs each having a crosscut end and a side, said underside of the sill plate (32) and the crosscut ends of the door jambs providing the underside and the sides of the threshold assembly, a door (not show) inherently moveably mounted between door jamb of the threshold assembly, a skid plate (30) having a planar portion (40) covering the underside of the sill plate and the crosscut ends of the door jambs (24, 26) (see Fig. 3), said skid plate (30) having first and second tabs (44) folded and extending upwardly from the planar portion at first and second fold lines, the skid plate (30) inherently having a length and a width, the first and second tabs (44) having a length less than the width of the skid plate such that said first and second tab overlying and mounted to the first and second sides of the door jambs respectively by fasteners (72). Notice, since the door assembly of Baczuk et al. includes all structural limitations as claimed and the skid plate (32) is mounted to the door jambs

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(24, 26) before installation of the assembly to the building structure, the door assembly of Baczuk is capable to be a pre-hung door assembly as claimed.

In regard to claim 11, the vertical members (24, 26) of door assembly of Baczuk et al. are broadly interpreted as the first and second trim members as claimed, since there is no other structural limitation to support what are the trim members.

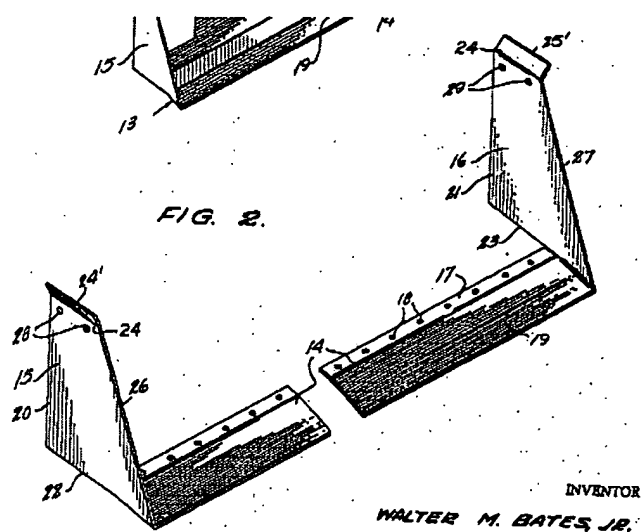
In regard to claim 18, the skid plate of Baczuk et al. is a unitary sheet of flexible material made of a molded plastic.

9. Claims 10-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Bates, Jr. (US Patent No. 2,648,107).

Bates, Jr. shows and discloses door assembly (see Fig. 2 bellow), comprising: a bottom defined by a sill plate (10) inherently having an underside, first and second door trim members/or door jambs (11, 12) disposed opposite sides of the bottom to providing the first and second sides of the assembly as claimed, and a door (no number) inherently moveably between the door jams, a skid plate (13) being formed of a unitary sheet of flexible material such as a sheet of metal, the skid plate (13) inherently having a length and a width, a first and second fold lines (22, 23), a first and second slits (a, b) extending parallel to the first and second door trim members/or door jambs (11,12) to permit a first portion (17) of the skid plate disposed between the slits to adjoin the sill plate, whereby said skid plate (13) having a planar portion (14) covering the underside of the still plate and a first tab (15) and a second tab (16) folded and extending upwardly from the planar portion and overlying the first and second sides of the assembly respectively and covering the crosscut end of the trim members respectively, the skid plate (13) being secured to the door

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assembly by fasteners that extend through the apertures (28, 29, 18) along the length on the skid plate into the door assembly, and the first and second tabs (15, 16) are connected to the planar portion of the skid plate at the first and second fold lines. Wherein, Bates, Jr. teaches the door assembly for window construction includes all structural limitations as claimed. Therefore, the door assembly of Bates, Jr. is capably used as a pre-hung door assembly as claimed.



Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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11. Claims 19 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larivee, Jr. '217, Lohr '979, Bates, Jr. '107 or Baczuk et al. '188 , as applied to claim 10 above, and further in view of Porter et al. (US Patent No/ 5,881,521).

The claims are considered to be met by Larivee Jr. or Lohr or Bates, Jr. or Baczuk et al. as explained and applied in above rejections except that either Larivee, Jr. or Lohr or Bates, Jr. or Baczuk et al. does not define the skid plate being secured to the door assembly by at least one strip of double-sided adhesive. Porter et al. teaches a moisture barrier for providing water resistance to door or window assembly, comprising a sheet of flexible material (100) being made of high-density polyethylene by strips of double-sided adhesive tapes (35) for adhesively securing the moisture barrier to the building construction. Since applicant has not disclosed that using strips of double-side adhesive tape to secure a skid plate to the door assembly provides an advantage, is used for a particular purpose, or solves a stated problem, it would have been an obvious matter of design choice to a person of ordinary skill in the art, at the time the invention was made, to modify the door assembly of Larivee, Jr. or Lohr or Bates, Jr. or Baczuk et al. having the skid plate being adhesively secure to the door assembly by at least one strips of double-side adhesive as taught by Porter et al. instead of other fasteners such as nails or screws to perform equally well securing function for easily securing the plate to the building assembly for various application.

12. Claims 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larivee, Jr. '217 or Lohr '979 or Baczuk et al. '188 as applied to claims 1 and 18 above, and further in view of Young (US Patent No. 6,161,343).

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The claims are considered to meet by Larivee, Jr. or Lohr or Baczuk et al. as explained and applied in above rejections except that either Larivee, Jr. or Lohr or Baczuk et al. does not define the skid plate being made of a sheet of specific plastic such as high-density polyethylene as claimed. Young teaches a door assembly comprising a moisture barrier including a sheet of flexible material (22) being made of high density polyethylene (see col. 2, line 60) being adhesively secured underside of the door jambs for providing water resistance to the door assembly. It would have been an obvious matter of design choice to one of ordinary skill in the art, at the time the invention was made, to modify the door assembly of either Larivee, Jr. or Lohr or Baczuk et al. having the skid plate being made of specific flexible material such as high density polyethylene as taught by Young for providing a breathable water barrier being durable and moisture resistant and easily to be cut to provide desired surface characteristics such as improved wettability for resisting moisture from the outer surface of the building.

Action Is Final

13. This is a continuation of applicant's earlier Application No. 10/011,740. All claims (claims 10-22) are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquiry Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Winnie Yip whose telephone number is 703-308-2491 (or 571-272-6870 after April 7, 2005). The examiner can normally be reached on M-F (9:30-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486 (or 571-272-6867 after March 29, 2005). The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Winnie Yip
Primary Examiner
Art Unit 3637

wsy
March 15, 2005